



MEMORANDUM

TO: County Council

FROM:  Michael Faden, Senior Legislative Attorney
 Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Addendum:** Expedited Bill 19-10, Taxes – Transportation Impact Tax – Amendments

Attorney Patrick O'Neil, representing Multi-Employer Property Trust, proposed that impact tax credit recipients be allowed to use excess credits to make mitigation payments under PAMR obligations those whose credits were certified before 2002 (see ©51 in the main packet). This proposal was opposed by Council and Executive staffs and rejected unanimously by the MFP Committee.

Mr. O'Neil has crafted a more restricted provision (©52, attached). It did not arrive before the main packet was printed, nor at this writing has Council and Executive staffs had the opportunity to review it. **We will be prepared to present our analysis and recommendations at Tuesday's worksession.**

PROPOSED CHANGES TO COUNTY BILL 19-10
MULTI-EMPLOYER PROPERTY TRUST
October 8, 2010

Sec. ~~52-55~~. Credits.

- (a) (1) A property owner is entitled to a credit if the owner, before July 1, 2002, entered into a participation agreement, or a similar agreement with the state or a municipality, the purpose of which was to provide additional transportation capacity. A property owner is also entitled to a credit if the owner receives approval before July 1, 2002, of a subdivision plan, development plan, or similar development approval by the County or a municipality that requires the owner to build or contribute to a transportation improvement that provides additional transportation capacity. The Department of Transportation must calculate the credit. The credit must equal the amount of any charge paid under the participation agreement. The Department may give credit only for building permit applications for development on the site covered by the participation agreement. The Department must not give a refund for a credit earned under this subsection.

~~(2) — Any credit that was certified under this subsection before February 1, 2010, expires on February 1, 2016~~

~~(3) — Any credit that is certified under this subsection after February 1, 2010, expires 6 years after the Department of Transportation certifies the credit.~~

(2) Any credit that is certified before July 1, 2002 for a development that received in excess of \$20 million in credits may be applied to satisfy up to \$2 million worth of Policy Area Mobility Review obligations, in addition to impact taxes. This provision is no longer effective after (effective date of Bill plus 5 years).